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OCT 27 2006

Remarks

Reconsideration of this application, as amended, is respectfully requested. The Applicants wish to thank the Examiner for the telephonic interview on June 13, 2006 to discuss the claims and office action.

A. Amendment to the claims

Claims 29-57 were pending in this application. Claims 37, 41, 43, 52, 53, 55, and 56 were cancelled, claims 29, 30, 32, 42, 48, 49 and 57 were amended, and new claims 58-73 were added to further clarify the invention and to correct claim dependencies as a result of the claim amendment. Support for the amendment of claim 29 can be found in claim 30 and the specification at page 5, line 22 to page 6, line 3, page 8, lines 3-7, and 15, page 10, lines 6-8, and Figure 1E; claim 30 amendment support can be found in claim 29; claim 42 amendment support can be found in the specification at page 8, lines 3-7. Support for the new claims are as follows: claim 58 (page 4, lines 8 and 9 and page 8, lines 4-7); claim 59 (page 1, line 23); claim 60 (original claim 9); claim 61 (page 9, lines 9-12; page 10, lines 3-5; page 11, lines 4-7); claim 62 (page 4, line 16 to page 5, line 13); claim 63 (page 3, lines 4-9); claim 64 (original claim 3); claim 65 (original claim 5); claim 66 (page 1, line 23); claim 67 (original claim 9); claim 68 (original claims 10 and 13); claim 69 (original claims 16 and 17); claim 70 (original claim 18); claim 71 (original claim 19); claim 72 (page 8, lines 14-22); and claim 73 (page 4, lines 6-9). Accordingly, no new matter has been added to the application as a result of the above amendment.

B. Rejection of the claims under 35 U.S.C. section 102(e) in view of Golde

Claims 29, 31, 32, 35-37, and 42 stand rejected under 35 U.S.C. section 102(e) as being anticipated by Golde (U.S. Patent No. 5,845,336) ("Golde"). With respect to claims 29 and 32, the Examiner alleged that Golde disclosed a garment body of impermeable material (Abstract) having an inner surface of fibers affixed to at least part of the inner surface (col. 5, lines 60-64), and an adjustment device associated with the garment body 58. Regarding claims 30 and 42 (Figure 2), the Examiner alleged that Golde disclosed abrasion-resistant panels 36 of high denier material (col. 6, lines 22-28) having different

thickness than shell 18 which is of a different material (col. 5, lines 25-46). As to claims 35-37, the Examiner alleged that Golde taught ventilation openings 40. The Applicants respectfully traverse this rejection.

As a general rule, for prior art to anticipate under section 102, every element of the claimed invention must be identically disclosed in a single reference. Corning Glass Works v. Sumitomo Electric, 9 U.S.P.Q.2d 1962, 1965 (Fed. Cir. 1989). The exclusion of a claimed element, no matter how insubstantial or obvious, from a reference is enough to negate anticipation. Connell v. Sears, Roebuck & Co., 220 U.S.P.Q. 193, 1098 (Fed. Cir. 1983). Applicants respectfully submit that Golde cannot be applied to support an anticipation rejection of the claims under 35 U.S.C. section 102(e).

The present invention, as claimed, is directed to a protective garment having an integrally formed garment body of a stretchable liquid impermeable material, the liquid impermeable material having areas of different thicknesses created on desired areas of the garment body and loose fibres directly affixed to at least part of the inner surface of the integrally formed garment body. As discussed in the specification, a garment form is contacted with a liquid, e.g., liquid latex, to form the integrally formed garment body of a liquid impermeable material. See the specification, for instance at page 6, line 22 to page 7, line 19 and page 8, lines 3-13. Areas of different thicknesses are created on desired areas of the garment body, e.g. by dipping the desired target areas of the garment body with liquid latex. See the specification, for instance, at page 5, line 22 to page 6, line 3. The product is eventually removed from the form to provide a low cost stretchable seamless or body tight protective garment. The garment includes affixed loose fibres to provide a comfortable and non-stick skin engaging surface. See the specification, for instance, at page 8, lines 3-7.

Contrary to the Examiner's position, the Applicant submits that Golde is not anticipatory prior art under 35 U.S.C. section 102(e) against the claims. Golde merely relates to an all-weather ventilated protective garment composed of a shell having ventilation openings and optional separate insulating liners which may be removable or permanently installed on the shell. See Golde at col 5, lines 60-67. Golde's garment is consists of a shell made by stitching together fabric panels such as Gortex® containing fabrics. Waterproof tape may be used to secure the seams of the shell. See Golde at col.

5, line 17 to col. 6, line 21, and Figures 1-9. As such, Golde's garments are not "integrally formed garments" as presently claimed.

As discussed in the instant specification, the integrally formed garments are formed from elastomer material (i.e. liquid latex) in the shape of a mold. A representative example of an integrally formed garment, i.e., underpants, and method of making is shown in Figures 1A-G. Contrary to the Examiner's position, there is no teaching or suggestion in Golde of any protective garment comprising an "integrally formed garment body of a stretchable liquid impermeable material" and "the liquid impermeable material further having areas of different thicknesses created on desired areas of the garment body" as presently claimed. See, i.e. claim 29. Furthermore, there is no teaching or suggestion of "loose" fibres directly affixed to a garment body as recited in the present claims. See, i.e., claim 29. As shown in Figure 1E and discussed in the specification at page 8, lines 3-9, loose fibers are flocked onto the surface of the protective garment to form a comfortable, non-stick skin engaging surface. Golde's disclosure of insulating liners attached to the shell is not a disclosure of loose fibers directly affixed to a garment body as recited in the claims. Nowhere does Golde describe or suggest attaching loose fibers onto the inner surface of the garment body.

Regarding claim 31, Golde does not disclose any connectors and tubing attached to the connector.

With respect to an adjustment device and instant claim 32, the Examiner alleged that Golde at col. 5, lines 65-67 describes the subject matter of that claim. Golde relates to the use of snaps and zipper attachments as means for affixing an insulating liner to the shell. A disclosure of snaps and zippers for attaching liners to a shell is not a disclosure of an integrally formed garment having an adjustment device. Moreover, since claim 32 depends from claim 29 and includes all of the limitation thereof, Golde cannot be said to anticipate the claim 32 for reasons discussed above.

With respect to claims 30 and 42, the Examiner alleges that Golde teaches abrasion-resistant panels of different thicknesses and material, pointing to Figure 2, col. 6, lines 22-28 and col. 5, lines 25-46 for support. Contrary to the Examiner's assertion, the panels, however, are woven fabric textiles, plastic sheets, or leather, not loose fibers. See col. 6, lines 22-28. A disclosure of fabric, plastic sheets, or leather panels on Golde's

garment is not a disclosure or teaching of loose fibers directly affixed to at least part of the outer surface of the garment body (claim 42). Furthermore, since claim 30 depends from claim 29 and includes all of the limitations thereof, Golde cannot be said to anticipate claim 30 for reasons discussed above.

With respect to claims 35-37, the Examiner alleges that Golde teaches a integrally formed garment body having a first and second portions (claim 35) and the first portion having multiple perforations (claim 36), pointing to Figure 2, ventilation openings 40, in support.. Claim 37 has been cancelled and thus the rejection, as applied to this claim, is moot. Since claims 35 and 36 depend from claim 29 and includes all of the limitations thereof, Golde cannot be said to anticipate claims 35 and 36 for reasons discussed above.

Accordingly, the Applicant respectfully submits that Golde is not anticipatory prior art against claims 29, 31, 32, 35-37 and 42. Withdrawal of the section 102(e) rejection of the claims is in order and is respectfully requested.

C. Obviousness-type double patenting rejection

The Examiner rejected claims 1-57 as being unpatentable over claims 1-47 of U.S. Patent No. 6,987,210. In order to obviate this rejection, a terminal disclaimer is attached. Accordingly, the Applicant submits that the rejection no longer applies.

D. Conclusion

In view of the above amendments and discussion, the Applicant submits that the application is in condition for an allowance. A Notice to this effect is respectfully requested.

Prompt consideration and entry of this response is respectfully requested. If the Examiner believes that a telephone conference would expedite the prosecution of this application, the Examiner is invited to call Applicants' undersigned representative.

Respectfully submitted,

Dated: _____

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